

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 16, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 9, 2001. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated October 9, 2001. Campbell, Hudkins, Heier and Stevens voted aye. Workman abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 73 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Daughters of the Holy Spirit
Family Service
Fresh Start, Inc.
Saint Paul United Methodist Church
School Sisters of Christ the King

MOTION: Heier moved and Workman seconded approval of the motor vehicle tax exemptions. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **DENIAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Arthur Brown

MOTION: Heier moved and Workman seconded denial of a motor vehicle tax exemption for Arthur Brown.

In response to a question asked by Stevens, Norm Agena, County Assessor, explained that an individual cannot receive a motor vehicle tax exemption.

ROLL CALL: Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **SETTING OF A PUBLIC HEARING FOR NOTICES OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, October 30, 2001 at 2:30 p.m. for notices of valuation change for omitted or undervalued property for the following:

Nebraska Housing Resource Inc. (16 notices)
Kent D. Zoz
Gerald and Angela Green

MOTION: Heier moved and Workman seconded to set a public hearing for October 30, 2001 at 2:30 p.m. in the County Commissioners Chambers on the first floor of the County-City Building for notices of valuation change for omitted or undervalued property for Nebraska Housing Resource Inc., Kent D. Zoz and Gerald and Angela Green. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

ANT L.L.C. (2 notices)
Kenneth L. Krenk
City of Lincoln
MACMOR Properties

Agena recommended the following values be set:

- ▶ \$19,317 for 2001 for ANT L.L.C. (Parcel I.D. 10-26-145-005-000)
- ▶ \$29,783 for 2001 for ANT L.L.C. (Parcel I.D. 10-26-138-003-000)
- ▶ \$105,490 for Kenneth L. Krenk (Parcel I.D. 10-33-235-009-000)
- ▶ \$28,790 for City of Lincoln (Parcel I.D. 10-25-203-006-000)
- ▶ \$268,711 for MACMOR Properties (Parcel I.D. 05-21-200-005-000)

MOTION: Heier moved and Hudkins seconded to accept the Assessor's recommendation and set the following values: \$19,317 for 2001 for ANT L.L.C. (Parcel I.D. 10-26-145-005-000); \$29,783 for 2001 for ANT L.L.C. (Parcel I.D. 10-26-138-003-000); \$105,490 for Kenneth L. Krenk (Parcel I.D. 10-33-235-009-000); \$28,790 for City of Lincoln (Parcel I.D. 10-25-203-006-000) and \$268,711 for MACMOR Properties (Parcel I.D. 05-21-200-005-000). Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **PROTESTS FILED ON REAL PROPERTY BY THE FOLLOWING:**

Doris M. Heineke

Agena explained the Heineke's purchased the property from the Village of Hickman and recommended that the value be reduced to \$250.

Pine Lake Golf and Tennis Club

Agena recommended a value of \$305,277.

MOTION: Heier moved and Workman seconded to accept the Assessor's recommendation to reduce the value to \$250 relating to a protest filed by Doris M. Heineke and to reduce the value to \$305,277 relating to a protest filed by Pine Lake Golf and Tennis Club. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 1:39 p.m. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 16, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:40 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 9, 2001. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners dated October 9, 2001. Campbell, Hudkins, Heier and Stevens voted aye. Workman abstained. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, October 16, 2001.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. Good News Jail and Prison Ministries Chaplaincy Program. Funding from the Inmate Benefit Fund (\$3,000).

Mike Thurber, Director of Corrections, introduced Senior Chaplain Dan Morgan from the Good News Jail and Prison Ministries.

3) **SPECIAL PRESENTATIONS:**

Thurber also requested the County Board's approval to expend \$3,000 of the Inmate Benefit Funds to support the Good News Jail and Prison Ministries Chaplaincy Program. He explained the fund is generated by inmate vending and telephone commissions and doesn't represent an impact on taxpayers.

MOTION: Workman moved and Stevens seconded approval of the funding from the Inmate Benefit Fund, in the amount of \$3,000, to support the Good News Jail and Prison Ministries Chaplaincy Program. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

B. The Commissioners Award of Excellence for the month of September was presented to Judy Foote, Administrative Services Officer for the Juvenile Detention Center.

4) **PUBLIC HEARINGS:**

A. A petition from ten percent of the property owners within the Countrylane Estates Subdivision for formation of a Special Paving Improvement District for the paving of Countryview Lane, Countryview Court, Vanderslice Lane, Vanderslice Circle, Wildflower Street, Wildflower Court, 64th Street, 66th Street and 67th Street, all located within the Countrylane Estates Subdivision in Lancaster County, Nebraska.

The Chair opened the public hearing.

J. Michael Rierden, attorney representing the homeowners in Countrylane Estates, appeared and stated all statutory requirements have been satisfied for the petition.

David Johnson, Deputy County Attorney, recommended that the County Board direct the County Attorney's Office to draft a resolution setting the boundaries of the Special Paving Improvement District and setting the date for the special election upon closing the public hearing.

The Chair asked if anyone else wished to testify in opposition or in a neutral position.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Heier moved and Workman seconded to direct the County Attorney's Office to prepare a resolution setting the boundaries of the Special Paving Improvement called the Countrylane Estates Special Paving Improvement District and to set the date for the special election. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

B. An application for an amusement license from Ron Talbert to operate an outdoor concert on Saturday, October 20, 2001 from 8 p.m. to 11:30 p.m. and a fund raiser on Saturday, October 27, 2001 from 8 p.m. to 11:30 p.m. at Broken Spoke Trading Post, located at 201 West South Street in Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

J. Michael Rierden, attorney representing Ron Talbert (applicant), appeared and requested that the original lease between the property owner (Otis Glebe) and Ron Talbert be made a part of the record (Exhibit 1).

Rierden proceeded through the Guidelines for Obtaining an Amusement License highlighting the following sections:

- ▶ Liability Insurance Requirement
- ▶ Time Limitations
- ▶ Proximity to Occupied Property
- ▶ Notification Requirements
- ▶ Required Space
- ▶ Noise Level
- ▶ Parking Areas
- ▶ Traffic Control
- ▶ Exits, Freedom of Movement
- ▶ Toilet Facilities
- ▶ Water Supply
- ▶ Garbage and Refuse
- ▶ First Aid Emergency Vehicles
- ▶ Lighting
- ▶ Fire Protection
- ▶ Security Enforcement

3) **PUBLIC HEARINGS CONTINUED:**

Submitted into the record by Rierden were the following documents:

- ▶ Certificate of Liability Insurance (Exhibit 2)
- ▶ Plat Map (Exhibit 3)
- ▶ Copy of letter to the Health Department from Rierden, dated October 11, and the Health Department's Response (Exhibit 4)
- ▶ Memorandum from Dale Stertz, Chief Plans Examiner with the Building and Safety Department (Exhibit 5)
- ▶ List of Security Volunteers (Exhibit 6)
- ▶ Copy of letter from Rierden, dated October 15, 2001, to Sheriff Terry Wagner addressing Wagner's concerns (Exhibit 7)

Rierden stressed there would be no alcohol, food service or overnight camping at either event.

Campbell asked if there would be age restrictions.

Rierden stated no because there would be no alcohol served.

Campbell asked about special training for the security personnel.

Rierden stated there has been no special training by his clients, however, they do not anticipate much of a security problem since no alcohol will be served. He added that he felt there would be more of a logistics problem with traffic.

Heier inquired whether it would be possible to approve the first event and make the approval of the second event contingent upon a favorable report from the Sheriff's Office.

Rierden stated they would have no objections to the suggestion.

David Johnson, Deputy County Attorney, requested that copies of the recommendations from the Sheriff's Office (Exhibit 8) and the Lincoln Police Department (Exhibit 9) be made a part of the record.

Sheriff Terry Wagner gave a brief report on two events held in October, 2000. He added that his recommendation of denial remains the same.

Sergeant Ben Houchin, Lancaster County Sheriff's Office, gave a brief history of the second event occurring on October 28, 2000 and indicated that it was not classified as a Rave party.

4) **PUBLIC HEARINGS CONTINUED:**

Ron Talbert, applicant, appeared and gave a brief explanation of the events occurring on October 21, 2000 and October 28, 2000.

Talbert also requested that a copy of an article appearing in the September 22, 2001 issue of the Journal Star be made part of the record (Exhibit 10).

The Chair asked if anyone wished to testify.

Danny Walker, 427 E Street, appeared and stated there are residential properties located within one mile of the subject property. He cited such concerns as noise, traffic and the fact that Mr. Talbert never approached the neighborhood association to discuss or notify them of upcoming events.

Chari Hamilton addressed training of the security personnel stating that she oversees the training of staff at three bars in Lincoln. She noted that she has personally witnessed the good interaction between the Lincoln Police Department and Broken Spoke Trading Post. Hamilton stated she feels traffic is the real issue, not noise. The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Heier moved and Workman seconded approval of an application for an amusement license from Ron Talbert for October 20, 2001 from 8 p.m. to 11:30 p.m. and October 27, 2001 from 8 p.m. to 11:30 p.m. with a report from the Sheriff after the October 20th event.

FRIENDLY AMENDMENT: An unfavorable report given by the Sheriff's Office would allow the County Board to rescind the license for the event scheduled for October 27, 2001.

Johnson suggested approving the license for the event scheduled for October 20, 2001 and to pend the event scheduled for Saturday, October 27, 2001 until Tuesday, October 23rd subject to the receipt of a report from the Lancaster County Sheriff's Office.

AMENDMENT: Workman amended the motion to state that approval of the second event (October 27, 2001) would be contingent upon the Sheriff's report of the October 20th event on Tuesday, October 23rd. He also requested the report from the Sheriff be given to Ron Talbert no later than Sunday, October 21st.

The maker of the original motion accepted the amendment.

4) **PUBLIC HEARINGS CONTINUED:**

Wagner stated he couldn't have a report ready for Mr. Talbert by Sunday. He stated he would generate the report on Monday and could then fax it to either Mr. Talbert or Mr. Rierden.

It was agreed that a report from the Lincoln Police Department be included.

Campbell clarified that the amendment would include a report from the Sheriff and the Lincoln Police Department.

Stevens suggested approving the license for the first event (October 20, 2001) and reconsider the second event (October 27, 2001) next Tuesday, October 23rd. He stated if the Sheriff's Office or the Police Department had no objections they could then proceed with the approval of the second license.

Both the maker of the motion and the seconder agreed to withdraw the motion.

MOTION: Stevens moved and Hudkins seconded approval of an amusement license from Ron Talbert for October 20, 2001 from 8 p.m. to 11:30 p.m.

Campbell stated she considers the application(s) for amusement license(s) or any event which comes before the Board a privilege and not a right and would not be supporting the motion. She indicated she would like to have seen a longer track record of the applicant working with the community on the flea markets. Campbell added that in her tenure on the County Board she has never voted against the recommendation of law enforcement because in the end those are the people who are truly responsible for the public's safety.

ROLL CALL: Stevens, Workman, Hudkins and Heier voted aye. Campbell voted no. Motion carried.

MOTION: Hudkins moved and Stevens seconded to place the application for an amusement license from Ron Talbert for Saturday, October 27, 2001 from 8 p.m. to 11:30 p.m. at Broken Spoke Trading Post, located at 201 West South Street in Lincoln, Lancaster County, Nebraska on the County Board's agenda for Tuesday, October 23, 2001. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

Heier asked for clarification that no alcohol would be brought into the event or sold at the event.

Talbert responded that that was correct.

5) **OLD BUSINESS:**

A. An agreement between Families First and Foremost and the Child Guidance Center for professional services in the following areas, beginning September 1, 2001 and ending August 30, 2002: (C-01-504)

- Director of Service Development
- Director of System of Care
- Staff Assistant
- Care Coordinator Supervisor
- Office of Juvenile Services (OJS) Evaluation Coordinator
- Family Outreach Advocacy Worker
- Clinical Consultant
- Psychologist
- Occasional Workers/Special Projects
- Assessment Center Clinical Supervisor
- Mental Health Specialist
- Billing Clerk

The County will pay \$622,059 for these services.

MOTION: Heier moved and Stevens seconded approval of an agreement between Families First and Foremost and the Child Guidance Center. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

6) **NEW BUSINESS:**

A. Grant contracts with the following:

- Lighthouse, Inc., in the amount of \$25,200, for the Employment Program for six Lancaster County youth, beginning August 1, 2001 and ending July 31, 2002. (C-01-514)
- Lighthouse, Inc., in the amount of \$15,000, for the School's Out Program, beginning July 1, 2001 and ending June 30, 2002. (C-01-515)
- Cedars Youth Services, in the amount of \$77,361, for restorative justice programs for juveniles and their families, beginning August 1, 2001 and ending July 31, 2002. (C-01-519)

Johnson requested that the title of Subsection 18 of the two contracts for the Lighthouse, Inc. be amended to read "Independent Contractor" instead of "Independent Grantee" and the fourth line of the subsection read as "shall be deemed to be Independent Contractors" instead of "shall be deemed to be Independent Grantees". He also requested that the Chair of the County Board initial the changes.

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of the grant contracts subject to the County Attorney's recommendations. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

B. An agreement with the Village of Denton to allow the Lancaster County Sheriff's Office to assign one deputy to the Village to provide law enforcement services, beginning September 1, 2001 and ending August 31, 2002. The Village shall pay the County at a rate equal to the overtime compensation which the County pays the deputy who worked the duty. (C-01-517)

MOTION: Hudkins moved and Workman seconded approval of the agreement with the Village of Denton. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

C. An agreement between Lancaster County and Cedars Youth Services, Inc., in the amount of \$41,500, for the provision and support of a Juvenile Pre-Trial Diversion Program which includes a Teen Court Program, beginning July 1, 2001 and ending June 30, 2002. (C-01-518)

The Clerk indicated that the County Attorney's Office requested the agreement be held.

D. A lease agreement between Lancaster County and BryanLGH Medical Center, covering 36 parking stalls located in the Community Mental Health Center parking lot at 2200 St. Mary's Avenue, at a rate of \$20 per stall per month, not to exceed \$720 per month. The lease shall commence October 16, 2001 and end August 31, 2002. (C-01-520)

Johnson explained that there had been two changes in the lease agreement. The first change occurred in Section 5 with the addition of the following language, "The Lessee shall pay any taxes which may be assessed against the Premises during the term of this Lease, provided, however, Lessee shall have the right to contest, at Lessee's sole cost and expense, the amount of such taxes".

6) **NEW BUSINESS CONTINUED:**

The second change, Johnson said, occurred in Section 8 with the addition of the following, "No alterations or changes of any part or the whole of the Premises shall be made by Lessor during the term of this Agreement which would affect Lessee's use of the Premises without the prior written consent of Lessee. Lessee shall have the right to make, at Lessee's sole cost and expense, the improvements and changes to the Premises, subject to the approval of the Board of the Lancaster County Commissioners, provided, however, at the termination of the Lease, Lessee agrees, at Lessee's sole cost and expense, to restore the Premises to their original condition, except for ordinary wear and tear".

MOTION: Heier moved and Stevens seconded approval of the lease agreement with BryanLGH Medical Center as amended. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

E. A purchase order with the United States Marshal's Service for sack lunches for the 2002 Fiscal Year. The U.S. Marshal's Service shall pay \$1.40 per lunch from October, 2001 to October, 2002. (C-01-516)

MOTION: Workman moved and Heier seconded approval of a purchase order with the United States Marshal's Service. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

F. A resolution in the matter of fixing the date, time and place for a public hearing regarding a request to vacate a portion of a County road located on West Davey Road between Northwest 27th and Northwest 40th Streets in Lancaster County, Nebraska. (R-01-101)

MOTION: Heier moved and Hudkins seconded approval of Resolution 01-101. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

G. Allowance Modification Numbers 007 through 009 for the following in connection with the Election Commissioner's Office located at 601 North 46th Street:

- **Allowance Modification 007** adds two additional light fixtures above rotary file cabinets as described in an attached letter and shown on a drawing provided by ETI. This will decrease the Contingency/Discovery Allowance \$456.50. (C-01-178 AM-01-06)
- **Allowance Modification 008** refurbishes an existing irrigation system to accommodate new landscape and installs new plantings as directed. This will decrease the Landscape Allowance \$3,774.26. (C-01-178 AM-01-07)

6) **NEW BUSINESS CONTINUED:**

- **Allowance Modification 009** replaces the lockset at the employee entrance with a lock having store room function (always locked from the exterior) as directed. This will decrease the Contingency/Discovery Allowance \$173.
(C-01-178 AM-01-08)

MOTION: Workman moved and Hudkins seconded approval of Allowance Modification Numbers 007 through 009. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

RETURNING TO NEW BUSINESS ITEM 6F:

Johnson asked that the resolution be reconsidered.

MOTION: Stevens moved and Heier seconded to reconsider New Business Item 6F. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

Johnson requested that the Board set the date for the public hearing for Tuesday, November 13, 2001 at 1:30 p.m.

MOTION: Heier moved and Hudkins seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

H. A water well registration form with the State of Nebraska for the wells associated with the mechanical system at the new Juvenile Detention Center. (WW-01-01)

MOTION: Heier moved and Hudkins seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Noxious Weed Control Authority's Monthly Report for September, 2001.
2. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for September, 2001.
3. Records and Information Management's Monthly Report for September, 2001.
4. Register of Deeds Monthly Report for September, 2001.

B. Setting of a public hearing for Tuesday, October 30, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the amendment of the Lancaster County General Assistance Guidelines. (A copy of the proposed changes in on file with the Lancaster County Clerk's Office.)

MOTION: Hudkins moved and Workman seconded approval of the Consent Items. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 3:27 p.m. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk